

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
UNITED STATES

– against –

LOUIS EPPOLITO and
STEPHEN CARACAPPA
-----X

PROTECTIVE
MEMORANDUM
& ORDER
05-CR-192

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.

★ FEB 09 2006 ★

BROOKLYN OFFICE

Jack B. Weinstein, Senior United States District Judge:

The government seeks an order permitting it to refrain from producing the materials required under 18 U.S.C. § 3500 and Federal Rule of Criminal Procedure 26.2 (“3500 material”) for nine of its witnesses until two days prior to their respective testimony and to withhold their names from any witness list.

The court pursuant to its order of January 30, 2006 has reviewed the relevant 3500 materials in camera.

Because all of the witnesses appear to be citizens not directly and knowingly involved in the crimes charged, and with some reason to fear retribution from defendants and their associates, the motion is granted.

The materials furnished in connection with this motion are to be returned to the government to be kept segregated and under seal in case they are required for the trial or appeal.

SO ORDERED

Jack B. Weinstein

Dated: February 6, 2006
Brooklyn, New York

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